

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, JULY 26, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 11:09 a.m. The meeting was recessed by Mayor O'Connor at 12:20 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:11 p.m. with Council Members Roberts, Pratt, and Henderson not present. Mayor O'Connor adjourned the meeting at 4:17 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (tm,eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-112: (R-89-48) CONTINUED TO AUGUST 8, 1988

Vacating the westerly excess portion of Daley Center Drive south of Aero Drive, in connection with Stonecrest

(TM-87-0692), under the procedure for the summary vacation of streets where a street has been superseded by relocation and is excess right-of-way no longer required for street purposes; declaring that this resolution shall not become effective unless and until the required dedication and related permits for the necessary public improvements have been issued satisfactory to the City Engineer; in the event that the required dedication and necessary permits are not issued within three years from adoption of this resolution, this resolution shall become void and be of no further force or effect; directing the City Engineer to advise the City Clerk of the approval of the aforementioned dedication and issuance of permits.

(Serra Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested by the adjacent property owners in conjunction with the Stonecrest project (TM-87-0692). Under the Stonecrest project, Daley Center Drive is to be widened and realigned in a southeasterly direction. The realignment will create the westerly excess right-of-way proposed for vacation. The abutting property owner intends to utilize the vacated area for landscaping and additional parking. The subject vacation is located in the Serra Mesa Community and situated in a M-1A Zone. The vacation area totals approximately 13,100 square feet and will not affect density since residential use is not permitted under the existing zone. The Planning Department has no objections to the proposed vacation. The area of vacation is fully improved with curbs, gutter, and sidewalks and contains public utilities. The existing improvements and utilities are to be removed and relocated when Daley Center Drive is realigned. Therefore, no easements are required. Once the future alignment is dedicated and constructed, the area proposed for vacation will be considered excess right-of-way surplus to City needs. Staff review has indicated that the right-of-way proposed for vacation will no longer be required for present or prospective public use and may be summarily vacated conditioned upon the dedication of right-of-way and issuance of permits for public improvements necessary for Daley Center Drive.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F029-033.)

MOTION BY STRUIKSMA TO CONTINUE TO AUGUST 8, 1988, AT HIS REQUEST FOR FURTHER REVIEW. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-88-2337) CONTINUED TO SEPTEMBER 13, 1988, 10:00
A.M.

(Continued from the meeting of June 6, 1988, Item 201, at Council Member Struiksma's request, to allow the developer to work something out regarding the default resolution.)
Declaring S & S Construction Company, formerly Shapell Industries, Inc., to be in default of the terms and conditions of the agreement filed in the office of the City Clerk on October 15, 1979, as Document No. RR-250363, relating to the improvement of Mesa Del Sol; declaring that the City Attorney shall cause notice of this declaration of default to be given to S & S Construction Company, formerly Shapell Industries, Inc., and to SafeCo Insurance Company of America; authorizing the City Manager to complete, or cause to be completed, said work and improvements in accordance with the terms of the agreement.

(See City Manager Report CMR-88-268. Mira Mesa Community Area. District-5.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C152-154.)

MOTION BY STRUIKSMA TO CONTINUE TO SEPTEMBER 13, 1988, 10:00
A.M. TO ALLOW DEVELOPER TO RESOLVE PROBLEM. Second by Pratt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-330: (O-89-16) INTRODUCED AND ADOPTED AS ORDINANCE O-17122
(New Series)

19880726

Introduction and adoption of an Ordinance adopting the
Annual Budget for Fiscal Year 1988-89 and appropriating the
necessary money to operate the City of San Diego for said
Fiscal Year.

(See City Manager Report CMR-88-360.)

NOTE: The first public hearing of the Ordinance was held
on Monday, July 25, 1988. See Item 200. Today's action is
the second public hearing for the introduction and adoption
of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A047-57.)

Hearing began at 11:13 a.m. and halted at 11:14 a.m.

MOTION BY STRUIKSMA TO INTRODUCE, DISPENSE WITH THE READING AND

ADOPT. Second by McColl. Passed by the following vote:
Wolfsheimer-yea (with the same objections raised at the budget
hearings), Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-88-2437) ADOPTED AS RESOLUTION R-271518

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Carmel Mountain Ranch
Landscape Maintenance District.

(Rancho Carmel Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Carmel Mountain
Ranch Landscape Maintenance District was established in October
1985. The developer has since installed landscaped medians and
streetscapes within the district boundaries. In Fiscal Year
1989, the district will take over the maintenance of the
existing landscaping improvements. This action establishes the
annual assessments for the district. The Fiscal Year 1989
proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 77,000
Personnel	18,810
Utilities	31,500
Incidentals	23,801
Total Expenses	\$151,111
Reserve	16,052
Total	\$167,163
Less Carry-over and Interest	0
Less City Contribution	2,664
Assessed to District	\$164,499

The proposed unit assessment for Fiscal Year 1989 is
approximately \$30. This is the first year that assessments are
being levied in this district.

FILE LOCATION: STRT M-169

COUNCIL ACTION: (Tape location: A057-067.)

Hearing began at 11:14 a.m. and halted 11:14 a.m.

MOTION BY WOLFSHEIMER TO CLOSE THE HEARING AND ADOPT ITEMS 331
AND 332. Second by McColl. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-332: (R-88-2434) ADOPTED AS RESOLUTION R-271519

Considering the protests, approving the modified map,

confirming the assessments, and ordering the proposed maintenance, in the matter of the Campus Point Landscape Maintenance District.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessment for the Campus Point Landscape Maintenance District. The district provides for the maintenance of 25 acres of open space. The Fiscal Year 1989 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$12,962
Personnel	2,162
Utilities	8,401
Incidentals	4,976
Total Expenses	\$28,501
Reserve	2,958
Total	\$31,459
Less Carry-over and Interest	3,701
Less City Contribution	625
Assessed to District	\$27,133

The proposed amount to be assessed to the district in Fiscal Year 1989 is approximately \$475 per acre compared to \$465 per acre in Fiscal Year 1988. The nine parcels in the district range in size from 3.1 acres to 14.6 acres.

FILE LOCATION: STRT M-170

COUNCIL ACTION: (Tape location: A057-067.)

Hearing began at 11:14 a.m. and halted at 11:14 a.m.

MOTION BY WOLFSHEIMER TO CLOSE THE HEARING AND ADOPT ITEMS 331

AND 332. Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor

O'Connor-yea.

ITEM-333:

Four actions relative to the Otay International Center

Phase I Assessment District (1913 Act):

(Otay Mesa Community Area. District-8.)

Subitem-A: (R-88-2651) ADOPTED AS RESOLUTION R-271520

Accepting the works of improvement and approving the "As-built" certificate.

Subitem-B: (R-88-2650) ADOPTED AS RESOLUTION R-271521

Confirming the assessment, ordering the acquisition made, together with appurtenances, and approving the Engineer's

Report.

Subitem-C: (R-88-2649) ADOPTED AS RESOLUTION R-271522

Authorizing the issuance of bonds, approving bond indenture and official statement for a special assessment district.

Subitem-D: (R-88-2648) ADOPTED AS RESOLUTION R-271523

Making award for sale of bonds and providing for the establishment of a redemption fund.

CITY MANAGER SUPPORTING INFORMATION: In January 1987, the Council accepted the property owner petition for the Otay International Center Phase I Assessment District. The proposed assessment district was to be a so-called "acquisition" type wherein the property owner would construct the public improvements and the City would acquire them through assessment district proceedings. The public improvements have now been completed and the assessment district proceedings can begin. The proceedings will follow the normal routine with the first action being the adoption of the Resolution of Intention followed by noticing of the property owners and a public hearing on the assessment district. During the 30-day cash payment period immediately following the public hearing, property owners may pay all or any portion of their assessment. Subsequently, bonds are issued in the amount of the total unpaid assessments and the developer is paid for the subdivision public improvements. The public improvements for the Phase I Assessment District consist in general of grading, paving, water system, sewer system, storm drain system, gas system, underground electric and telephone systems, sidewalks, street lights, traffic signals, and right-of-way landscaping. It is anticipated that the balance of the public improvements for the Otay International Center Development will be accomplished through two subsequent acquisition assessment district proceedings. All property owners have been noticed of the public hearing and informed of the proposed assessment(s) to their land.

FILE LOCATION: STRT D-2264

COUNCIL ACTION: (Tape location: A067-087.)

Hearing began at 11:15 a.m. and halted at 11:16 a.m.

MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: CONTINUED TO SEPTEMBER 13, 1988 AT 10:00 A.M.

(Continued from the meeting of July 12, 1988, Item 345, at Franne M. Ficara's request, in order to pursue negotiations for sale of the property.)

Matter of the Historical Site Board's decision of denial of a demolition permit for 4 designated cottages located at 1241 and 1243 Coast Boulevard and 1260 and 1268 1/2 Prospect Street, Green Dragon Colony, Historical Site No. 84.

(District-1.)

Subitem-A: (R-88-2520)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0188 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-88-2519)

Adoption of a Resolution concurring in the action of the Historical Site Board in denying the issuance of a demolition permit.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A067-B371.)

Hearing began at 11:16 a.m. and halted at 12:20 p.m.

Testimony in favor by Virginia Waller, Gail Tejada Pate, Tony Ciani, Dave Odell, Bob Barrymore, Carol Lucic, Peter Lucic, Jeanne Rynne, Norma Wolff, Mary Jane Orr and David Singer.

Testimony in opposition by Jerald Lewis, John Henderson, Franne Ficara and John Contasti.

Hearing was closed by Mayor O'Connor.

Motion by Wolfsheimer to uphold the decision of the Historical Site Board and deny the demolition permit and not certify the Environmental Impact Report. Second by Filner. No vote.

Motion substituted.

MOTION BY HENDERSON TO CONTINUE TO SEPTEMBER 13, 1988 AT 10:00 A.M. TO ALLOW TIME FOR THE COMMUNITY TO COORDINATE WITH MR. MOSHER AND COME BACK IN THIRTY DAYS WITH A PROGRESS REPORT AND A REASONABLE OFFER TO ACQUIRE THE SITE. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-335: (R-88-2440) ADOPTED AS RESOLUTION R-271525

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Coronado View Landscape and Lighting Maintenance District.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessment for Coronado View Landscape and Lighting Maintenance District. The district provides landscape maintenance, and street light energy and maintenance. The Fiscal Year 1989 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 7,062
Personnel	3,784
Utilities	1,599
Incidentals	4,528
Total Expenses	\$16,973
Reserve	1,945
Total	\$18,918
Less Carry-over and Interest	9,500
Less City Contribution	0
Assessed to District	\$ 9,418

The proposed unit annual assessment for Fiscal Year 1989 is \$81 as compared to \$60 for Fiscal Year 1988. The increase in the assessment is due to increases in contractual maintenance costs and a smaller carry-over amount into Fiscal Year 1989.

FILE LOCATION: STRT M-171

COUNCIL ACTION: (Tape location: F037-055.)

Hearing began 4:14 p.m. and halted 4:15 p.m.

MOTION BY STRUIKSMA TO ADOPT ITEMS 335, 336, 337, and 339.

Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor

O'Connor-yea.

ITEM-336: (R-88-2474) ADOPTED AS RESOLUTION R-271526

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Lopez Canyon Stormwater Retention Basin Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessment for Lopez Canyon Stormwater Retention Basin Maintenance District. The district provides maintenance for the retention basin. The Fiscal Year 1989 proposed

maintenance costs for the district are as follows:

Incidental Expenses	
(City Forces)	\$ 3,000
General Purpose Reserve	4,491
Major Maintenance Reserve	10,000
Total Expense	\$17,491
Less Carry-over & Interest	17,491
Assessed to District	\$ 0

The carry-over and interest from the previous year is \$17,491.

The proposed expenditure in Fiscal Year 1989 is \$3,000. The balance (\$14,491) remaining in Fiscal Year 1989 is sufficient to continue to provide a \$10,000 Major Maintenance Reserve and \$4,491 for a General Purpose Reserve. Consequently, no assessments to the district are proposed for Fiscal Year 1989.

The amount assessed to the district in Fiscal Year 1988 was also zero.

FILE LOCATION: STRT M-172

COUNCIL ACTION: (Tape location: F037-055.)

Hearing began at 4:14 p.m. and halted 4:15.

MOTION BY STRUIKSMA TO ADOPT ITEMS 335, 336, 337, AND 339.

Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-337: (R-88-2449) ADOPTED AS RESOLUTION R-271527

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Mid-City Landscape and Lighting Maintenance District.

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The Mid-City Landscape and Lighting Maintenance District consists of six specific areas in the Mid-City Community located along Park Boulevard, Adams Avenue, El Cajon Boulevard and University Avenue. Landscaping improvements to be maintained consist of street trees, landscaped medians and benches within the six subdistricts. The contractor installs these improvements and continues to provide all necessary maintenance until these improvements are accepted by the district. Improvements in four of the subdistricts have been completed and will require maintenance during Fiscal Year 1989. The proposed maintenance costs for the four subdistricts to be maintained by the district during Fiscal Year 1989 are as follows:

	Subdist.1	Subdist.2	Subdist.3	Subdist.6	Total
Contractual Maintenance	\$1,750	\$700	\$2,100	\$2,450	\$7,000
Personnel	2,351	941	2,822	3,292	9,406
Utilities	412	165	495	578	1,650
Incidentals	1,701	680	2,042	2,381	6,804
Total Expenses	\$6,214	\$2,486	\$7,459	\$8,701	\$24,860
Reserve	740	295	886	1,035	2,956
Total	\$6,954	\$2,781	\$8,345	\$9,736	\$27,816
Less Carry-over and Int.	-	-	-	-	0

Assessed to District \$6,954 \$2,781 \$8,345 \$9,736 \$27,816

In Fiscal Year 1989, the assessments per frontage foot in subdistricts 1, 2, 3, and 6 are \$6.50, \$2.00, \$15.00 and \$16.50, respectively. In Fiscal Year 1988, the corresponding assessments in subdistricts 1, 3 and 6 were \$3.50, \$5.50 and \$5.60, respectively. The proposed assessments for Fiscal Year 1989 are for a full year compared to only six months in Fiscal Year 1988.

FILE LOCATION: STRT M-173

COUNCIL ACTION: (Tape location: F037-055.)

Hearing began 4:14 p.m. and halted 4:15 p.m.

MOTION BY STRUIKSMA TO ADOPT ITEMS 335, 336, 337, AND 339.

Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-ineligible, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-338: (R-88-2446) CONTINUED TO AUGUST 2, 1988 AT 2:00 P.M.

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Logan Avenue Landscape Maintenance District.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: The Logan Avenue Landscape Maintenance District was established in July 1987.

The purpose of the district is to assure long term maintenance for the landscaping improvements that have been provided by the Project First Class Program with Community Development Block Grant (CDBG) funds. This action establishes the annual assessments for the district. The Fiscal Year 1989 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$11,000
Personnel	5,642
Utilities	3,100

Incidentals	5,298
Total Expenses	\$25,040
Reserve	2,786
Total	\$27,826
Less Carry-over and Interest	200
Less City Contribution	5,450
Assessed to District	\$22,176

The proposed unit assessment for Fiscal Year 1989 is approximately \$18 per frontage foot. Assessment amounts range from \$1,800 to \$8,200 annually for the six properties within the district. This is the first year that assessments are being levied in this district.

FILE LOCATION: STRT M-174

COUNCIL ACTION: (Tape location: F029-030.)

MOTION BY PRATT TO CONTINUE TO AUGUST 2, 1988, 2:00 P.M. AT HIS REQUEST FOR FURTHER REVIEW. Second by Struiksmā. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmā-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339: (R-88-2443) ADOPTED AS RESOLUTION R-271528

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District was established in May 1987. The facility proposed to be maintained consists of San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20-foot wide buffer zone running along and adjacent to the channel embankments. In Fiscal Year 1989, maintenance operations will be required for the last three months. The proposed maintenance cost for the district for the last three months of Fiscal Year 1989 is as follows:

Contractual Maintenance	\$21,500
Personnel	2,352
Utilities	2,538
Incidentals	4,935
Total Expense	\$31,325
Reserve	6,265
Total	\$37,590

Less Carry-over and Interest	0
Less City Contribution	0
Assessed to District	\$37,590

Fiscal Year 1989 assessments will range from \$100 to \$7,500 per parcel. There are 13 parcels within the district. This is the first year assessments are being levied in this district.

FILE LOCATION: STRT M-163

COUNCIL ACTION: (Tape location: F037-055.)

Hearing began 4:14 p.m. and halted 4:15 p.m.

MOTION BY STRUIKSMA TO ADOPT ITEMS 335, 336, 337, AND 339.

Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor

O'Connor-yea.

ITEM-340: (R-88-2317) NOTE AND FILE

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the La Jolla Shores Landscape Maintenance District.

(See City Manager Report CMR-88-306. La Jolla Community Area. District-1.)

FILE LOCATION: STRT M-175

COUNCIL ACTION: (Tape location: C018-138.)

Hearing began 2:12 p.m. and halted 2:20 p.m.

Testimony in opposition by Virginia Grizzle.

Council Members Roberts, Pratt, and Henderson entered 2:14 p.m.

MOTION BY WOLFSHEIMER TO CLOSE THE HEARING AND NOTE AND FILE THE ITEM. Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor

O'Connor-yea.

ITEM-341:

Appeal of Friends of Lubavitch, Inc. by Lynne Heidel, Attorney, from the decision of the Board of Zoning Appeals in partially granting the amendment to Case C-17798 which permitted Friends of Lubavitch, Inc. to operate a preschool and kindergarten through third grade for 80 children, Monday through Friday from 9:00 a.m. to 3:30 p.m. where such use is permitted by Conditional Use Permit only and to maintain an existing 4'-0" high fence observing a 0'-0" front yard where 3'-0" high is permitted.

The applicant requested an amendment to the above permit to

(1) maintain three, temporary classroom trailers; (2) add grades four through eight, increase hours from 8:00 a.m. to 5:30 p.m. with evening and weekend school related activities and increase enrollment to maximum 300 children; (3) to construct two classroom buildings, administrative offices and assembly hall.

The subject property is located at 4905 Catoctin Drive in the R1-5000 Zone in the State University Community Plan area. The subject property for the original permit is described as Lot 9, except the Southeasterly 50', Alvarado Heights, Map-1634. The amendment would add Lot 8 to the legal description.

(Case C-17798. District-7.)

19880726

Subitem-A: (R-89-1788) ADOPTED AS RESOLUTION R-271529

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0999 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-1927) APPEAL GRANTED ADOPTED AS RESOLUTION R-271530

Adoption of a Resolution granting or denying the appeal and granting or denying the amendment, with appropriate findings to support Council action.

FILE LOCATION: ZONE Zoning Appeals Case C-17798

COUNCIL ACTION: (Tape location: C185-E624.)

Hearing began 2:24 p.m. and halted 4:12 p.m.

Testimony in favor by Brian Bennett, Lynne Heidel, Rabbi Yonah Fradkin, Millie Holden, Dahlia Handrus, and Dora Persky.

Testimony in opposition by Dorothy Leonard, Sandra Buehner, Deanna Hom, Pat Hannum, and Muriel Jencks.

The hearing was closed.

MOTION BY McCARTY TO GRANT THE APPEAL WITH THE FOLLOWING CONDITIONS: THAT THE CONSTRUCTION MUST BE CONSISTENT WITH THE GUIDELINES FROM THE DRAFT COMMUNITY PLAN. THAT THE APPLICANT WITHIN 30 DAYS SUBMIT A REVISED PLAN. THAT THE SCHOOL ADD GRADES 4 THROUGH 8. THAT THE HOURS ARE FROM 8:00 A.M. TO 5:00 P.M. ALLOW FOR EVENING AND WEEKEND ACTIVITIES WITH CONDITIONS PROPOSED BY THE ZONING ADMINISTRATOR, TWICE A MONTH FOR

PARENT/TEACHER CONFERENCES IN THE EVENING AND TWELVE TIMES A YEAR FOR THE WEEKENDS. PERMIT CONTINUATION OF THE HONORS SUNDAY CLASS. MAINTAIN TRAILERS. ALLOW INCREASE OF 200 STUDENTS ONLY. THAT LOADING AND UNLOADING BE ON THE DRIVEWAY ONLY AND NOT IN THE STREET. THAT THE DRIVEWAY BE INSTALLED WITH REVIEW BY THE ENGINEERING AND DEVELOPMENT DEPARTMENT FOR SAFETY. THAT OUTDOOR

PLAY BE RESTRICTED TO 10:00 A.M. TO 2:45 P.M. THAT THE OUTDOOR PUBLIC ADDRESS SYSTEM BE ALLOWED THREE TIMES A YEAR FOR USES SUCH AS CARNIVALS. THAT THE PROPERTY BE USED FOR SCHOOL USES ONLY. THAT LANDSCAPE AND FENCE REQUIREMENTS ARE MET AS REFERENCED BY THE PLANNING DEPARTMENT CONDITIONS DATED MARCH 4, 1988. THAT PLANS ARE TO BE SUBMITTED TO ZONING AND APPROVED IN 30 DAYS FROM THE PUBLIC HEARING. THAT THE PARKING AREA AND THE DRIVEWAY SHALL BE INSTALLED AND MAINTAINED IN COMPLIANCE WITH DIVISION 8. THAT A SIX-FOOT HIGH SOLID FENCE SHALL BE ERECTED ALONG THE SOUTHERLY SIDE OF THE PROPERTY LINE OBSERVING THE FRONT YARD SET BACK. THAT THE FENCE IN THE FRONT YARD SHALL COMPLY WITH THE FENCE ORDINANCE. THAT THE EXISTING FOUR-FOOT HIGH CHAIN LINK FENCE SHALL BE REMOVED TO OBSERVE A FIFTEEN-FOOT FRONT YARD AND SHALL BE BROUGHT INTO COMPLIANCE WITH THE FENCE ORDINANCE WITHIN 60 DAYS OF THE PUBLIC HEARING. THAT THE REVISED PLAN SHALL INDICATE LANDSCAPING FOR THE FRONT YARD. SAID LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN A GOOD GROWING CONDITION. THAT THE EVENING OR WEEKEND SCHOOL ACTIVITIES BE RESTRICTED TO A MAXIMUM OF 15 A YEAR. THAT THE ADMINISTRATIVE USES BE RESTRICTED TO OFFICE USE RELATED TO THE SCHOOL. THAT THE CHILD CARE PROGRAM SHALL COMPLY WITH COUNTY AND STATE LICENSING REQUIREMENTS. THAT THE CONDITIONAL USE PERMIT BE SIGNED AND NOTARIZED BY THE APPLICANT AND RETURNED TO THE ZONING ADMINISTRATOR WITHIN 30 DAYS. THAT CHABAD MUST SEND A COPY OF THEIR FILING WITH THE SUPERVISOR OF PUBLIC INSTRUCTION IN OCTOBER SHOWING THEIR ENROLLMENT FIGURES AND GIVE INFORMATION TO THE ZONING ADMINISTRATOR. THAT CHABAD MUST SEND A CALENDAR, NOTICE, OR SCHEDULE OF THEIR WEEKEND AND EVENING ACTIVITIES TO THE ZONING ADMINISTRATOR FOR MONITORING. DIRECT THE TRAFFIC ENGINEER TO GO OUT BEFORE AND AFTER SCHOOL HOURS TO MAKE SURE THAT THE TRAFFIC IS IN GOOD CONDITION. Second by Struiksma.

The vote was not taken at this time.

MOTION BY FILNER TO AMEND THE MOTION BY McCARTY TO DELETE THE RESTRICTION ON THE OUTDOOR PLAY. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

Motion by Filner to amend the motion by McCarty to delete the

enrollment cap that the enrollment may increase to 300 after an annual review. Second by Wolfsheimer. Failed. Yeas-1,8. Nays-2,3,4,5,6,7,M. Not present-None.

Motion by Wolfsheimer to amend the motion by McCarty to delete the condition limiting evening events. Second by Filner.

Failed. Yeas-1,8. Nays-2,3,4,5,6,7,M. Not present-None.

BY COMMON CONSENT THE MOTION BY McCARTY WAS AMENDED FOR THE SCHOOL HOURS TO BE TO 5:30 P.M. AND FOR THE APPLICANT TO SUBMIT REVISED PLANS WITHIN 90 DAYS.

The vote on the motion by McCarty as amended passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO REFER THE QUESTION OF THE DESIGN PROCESS FOR PRIVATE SCHOOLS FOR PRESCHOOL THROUGH EIGHTH GRADE TO RULES COMMITTEE FOR REVIEW. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-342: CONTINUED TO AUGUST 9, 1988, 2:00 P.M.

Proposal to rezone various properties (currently zoned C, C-1, CA, CO, M-1, R-400, R-1000 and R-1500) within the Pacific Beach community. The proposed rezonings (to any combination of C-1, CO, CC, CV, CN, R-1500, R1-5000 and R1-40000) are designed to implement the City of San Diego's Local Coastal Program Land Use Plan and to bring the City's zoning into conformity with the adopted Pacific Beach Community Plan.

The proposed rezonings for areas in the Coastal Zone have been approved "in concept" by the City Council and have been reviewed and approved by the California Coastal Commission.

The subject property, totaling approximately 2,700 acres of land within the Pacific Beach Community Plan area, is located generally in an area bounded by the La Jolla community to the north, the Pacific Ocean to the west, Mission Bay to the south, and I-5 to the east. The area is officially recognized by the City of San Diego as the Pacific Beach Community Plan area.

(Case-88-0225. District-6.)

Subitem-A: (R-88-2577)

Adoption of a Resolution certifying that the information

contained in Environmental Negative Declaration END-83-0137 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-88-213)

Introduction of an Ordinance for R1-40000, R-1500, CO, CN, CV, CC and C-1 Zoning.

FILE LOCATION: ZONE ORD NO.

COUNCIL ACTION: (Tape location: C175-180.)

MOTION BY HENDERSON TO CONTINUE TO AUGUST 9, 1988, 2:00 P.M. AT HIS REQUEST FOR FURTHER REVIEW. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-89-166) ADOPTED AS RESOLUTION R-271531

Directing the Intergovernmental Relations Department to express the City's opposition to SB-2795 (Ellis) to the appropriate legislators and to the Governor.
(See Intergovernmental Relations Department Report IRD-88-25.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F057-060.)

MOTION BY STRUIKSMA TO ADOPT ITEMS S500 AND S501. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501: (R-89-189) ADOPTED AS RESOLUTION R-271532

Adopting the recommendations contained in the Intergovernmental Relations Department Report IRD-88-24, to oppose AB-2595 (Sher), unless it is amended, which would enact the California Clean Air Act of 1988 to create a mandate for non-attainment areas to meet state ambient air standards by the earliest practicable date.
(See Intergovernmental Relations Department Report IRD-88-24.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F057-060.)

MOTION BY STRUIKSMA TO ADOPT ITEMS S500 AND S501. Second by McColl. Passed by the following vote: Wolfsheimer-yea,

Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-89-132) ADOPTED AS RESOLUTION R-271524

A Resolution adopted by the City Council in Closed Session on July 26, 1988:

Authorizing the City Manager to pay the sum of \$160,000.00 in the settlement of claims against the City of San Diego resulting from property damage to Frontier Service Corporation; Authorizing the City Auditor and Comptroller to issue one check payable to Frontier Service Corporation in full settlement of all claims.

Aud.Cert. 8900137

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:17 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F055).